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6 Attorneys for Plaintiffs
7
8

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 SINDICATO DE EMPLEADOS Y
TRABAJADORES DE LA INDUSTRIA,
13 EL CAMPO Y EL COMERCIO DEL
ESTADO 29 C.R.O.M., a Mexican labor
14 union, and SINDICATO NUEVA
GENERACION DE TRABAJADORES
15 DE BAJA CALIFORNIA C.R.O.C., a
Mexican labor union;

16 Plaintiffs,
17

18 v.

19 CREDIT MANAGERS ASSOCIATION
OF CALIFORNIA, INC., dba CMA
BUSINESS CREDIT SERVICES, a
20 California non-profit corporation,

21 Defendant.
22

Case No. 07CV2365

SUPPLEMENTAL DECLARATION OF
JOSHUA J. RICHMAN

23 I, Joshua J. Richman, declare:

24 1. I am an attorney licensed to practice law before all courts of the State of California
25 and I am associated with the law firm International Practice Group, a Professional Corporation,
26 attorneys of record for Plaintiffs SINDICATO DE EMPLEADOS Y TRABAJADORES DE LA
27 INDUSTRIA, EL CAMPO Y EL COMERCIO DEL ESTADO 29 C.R.O.M., a Mexican labor
28 union, and SINDICATO NUEVA GENERACION DE TRABAJADORES DE BAJA

1 CALIFORNIA C.R.O.C., a Mexican labor union. I have personal knowledge of the facts stated
2 in this declaration, and if called upon to testify I could, and would, testify competently to them in
3 a court of law.

4 2. On December 19, 2007, at about 11:15 a.m., I caused to be served by facsimile on
5 Defendant CMA Plaintiffs' Notice of Motion and Motion for a Temporary Restraining Order and
6 Preliminary Injunction. I sent the notice to 818.972.5301 which is listed on CMA's website as
7 their fax number for their office in Burbank, California.

8 3. On December 19, 2007, at 12:48 p.m., I sent an email to Michael Joncich (at the
9 email address mjoncich@creditservices.org), a representative of Defendant CMA who is familiar
10 with the issues surrounding the large receivable balance owed to Alissimo, S.A. de C.V. and
11 Resinas Laguna S.A. de C.V. I sent a copy of the email to Michael Peterson, Esq.
12 (mpetersen@shbllp.com), an attorney who represents Defendant CMA. At 12:51 p.m., I received
13 notice via email that Mr. Petersen had received and read my email. At 2:06 p.m., I received
14 notice via email that Mr. Joncich had received and read the email. Attached hereto as Exhibit A
15 is a true and correct copy of the email that I sent to and the confirmations of its receipt.

16 4. Around 1:15 p.m., I received a phone call from Mr. Petersen and Len Shulman,
17 Esq., the attorneys for Defendant CMA confirming their receipt of my email. Mr. Petersen and
18 Mr. Shulman indicated that they would be forwarding me certain evidence of the amount of
19 money that Alissimo and Resinas Laguna would be entitled to under the common law bankruptcy
20 proceeding currently underway with respect to the FlexTrim companies. As of the filing of this
21 declaration, I have not yet received the evidence from Mr. Petersen and Mr. Shulman.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct.

24 Executed this 19th day of December, 2007 at San Diego, California.

25
26 
27

28 JOSHUA J. RICHMAN

EXHIBIT A

Joshua Richman

From: Joshua Richman
Sent: Wednesday, December 19, 2007 12:48 PM
To: 'mjoncich@creditservices.org'
Cc: 'mpetersen@shbllp.com'; Guillermo Marrero
Subject: CMA - Notice of Temporary Restraining Order and OSC re: Preliminary Injunction
Importance: High
Attachments: 2) Complaint (12-18-07).pdf; 1. Notice of TRO (10-19-07).pdf; 2. Memo in Support of TRO (10-19-07).pdf

Tracking:	Recipient	Delivery	Read
	'mjoncich@creditservices.org'		
	'mpetersen@shbllp.com'		
	Guillermo Marrero	Delivered: 12/19/2007 12:48 PM	Read: 12/19/2007 12:50 PM
	'Francisco Elorza'		

Mr. Joncich,

This law firm represents two Mexican labor unions in a lawsuit against CMA Business Credit Services filed yesterday in Federal Court in San Diego. I have attached to this email a courtesy copy of the Complaint.

This morning the Plaintiffs filed an emergency motion for a temporary restraining order 1) preventing CMA from releasing any of \$896,389.81 it currently holds as a result of the liquidation of FlexTrim California, Inc. and FlexTrim North Carolina, Inc. and/or 2) compelling CMA to deposit that amount with the Court. A decision on the motion for TRO will take place either this afternoon or tomorrow. I faxed a notice of this motion to your fax number at 818.972.5301 this morning.

This email will serve to put CMA Business Credit Services on notice of the TRO proceeding. This email notice will also serve to advise you that any distribution of any of the above amount to either the Receiver in the *Jones v. Jones* divorce proceeding or to any other creditor of the FlexTrim companies will be made at your own risk and may immediately subject CMA to contempt proceeding in the Federal Court.

Joshua J. Richman

International Practice Group, P.C.

*****PLEASE NOTE OUR NEW ADDRESS*****

1350 Columbia Street, Suite 500

San Diego, CA 92101

Tel. 619.515.1480

F. 619.515.1481

jrichman@ipglaw.com

Joshua Richman

From: Michael Joncich [mjoncich@creditservices.org]
Sent: Wednesday, December 19, 2007 2:06 PM
To: Joshua Richman
Subject: Read: CMA - Notice of Temporary Restraining Order and OSC re: Preliminary Injunction
Importance: High
Attachments: ATT09240.txt

Your message

To: mjoncich@creditservices.org
Cc: mpetersen@shbllp.com; Guillermo Marrero
Subject: CMA - Notice of Temporary Restraining Order and OSC re: Preliminary Injunction
Sent: 12/19/2007 12:47 PM

was read on 12/19/2007 2:05 PM.

12/19/2007

Joshua Richman

From: Michael J. Petersen [MPetersen@shbllp.com]
Sent: Wednesday, December 19, 2007 12:51 PM
Subject: Read: CMA - Notice of Temporary Restraining Order and OSC re: Preliminary Injunction

Your message

To: MPetersen@shbllp.com
Subject:

was read on 12/19/2007 12:51 PM.